

REMARKS

Claims 34 and 37-46 are pending within the present application. No Claims have been amended, cancelled, or added.

The Office has also rejected claims 34-36 under 35 U.S.C. § 103(a) as being unpatentable over Katsura et al. in view of Petrea et al., as well as Krall et al. in view of JP 09002537 in further view of Petrea et al., as well as JP 11-028797 in view of JP 09002537 in further view of Petrea et al. All of these rejections rely upon the status of Petrea et al. (US Pat # 6,479,144) as proper prior art over the instant claims. Such a reference issued on November 12, 2002, thereby limiting its applicability over the present application as a reference under 35 U.S.C. § 102(e). As stated in 35 U.S.C. § 103(c), and in view of the Statement to Disqualify such a reference as prior art, the fact that both the current application and the Petrea et al. patent were subject to an assignment to Milliken & Company at the time the currently claimed invention was made, such a reference cannot properly be cited against the pending claims. Thus, none of the bases of rejection are proper either. For that reason, it is respectfully requested that reconsideration and withdrawal of such bases of rejection be performed in this instance by the Office.

CONCLUSION

In view of all of the previous remarks and accompanying submissions, it is respectfully submitted that the pending claims are now in condition for allowance. Thus, it is respectfully requested that this application be passed on to issue.

Respectfully submitted,

July 22, 2003



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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Mail Stop Non-Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on July 22, 2003, along with a postcard receipt.



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